

REMARKS

Claims 1-21 and 24-27 were pending in the application. Applicants cancelled claims 14 and 24-27 without prejudice or disclaimer, and hence claims 1-13 and 15-21 are pending. Applicants cancelled claims 14 and 24-27 only to expedite the issuance of claims 1-13 and 15-21 and not in response to the Examiner's cited art. Applicants are not conceding in this application that cancelled claims 14 and 24-27 are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter (claims 12, 14 and 16) indicated by the Examiner as being allowable. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation patent applications.

Claims 12, 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-3, 8-9, 13, 15, 17-21 and 27 remain rejected under 35 U.S.C. §102(e). Claims 4-7, 10-11 and 24-26 remain rejected under 35 U.S.C. §103(a).

Applicants amended claim 1, as indicated above, to include the claim limitations of claim 14. Hence, the rejections to claims 1-11, 13, 15 and 17-21 are moot. Applicants cancelled claim 14 and incorporated the limitations of claim 14 into claim 1 only to expedite the issuance of claims 1-11, 13, 15 and 17-21 and not in response to the Examiner's cited art. Applicants reserve the right to file a continuation patent application to capture the subject matter of originally filed claims 1-11, 13, 15 and 17-21.

Further, claims 12 and 16 were not amended to overcome prior art. Instead, claims 12 and 16 were amended to be rewritten in independent form. Hence, no prosecution history estoppel arises from the amendments to claims 12 and 16. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 12 and 16 were not made for a substantial reason related to patentability and

therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

As a result of the foregoing, it is asserted by Applicants that claims 1-13 and 15-21 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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